

ORIGINAL HOUSE
BILL NO. HB0037

ENROLLED ACT NO. 4, HOUSE OF REPRESENTATIVES

SIXTY-SIXTH LEGISLATURE OF THE STATE OF WYOMING
2022 BUDGET SESSION

AN ACT relating to criminal history records; transferring responsibility for the juvenile justice information system to the department of family services; requiring the department of family services to standardize the collection of juvenile justice information; amending requirements for juvenile justice information to be collected by the department; amending reporting requirements; providing definitions; making conforming amendments; repealing requirements for submitting and maintaining certain juvenile justice information; authorizing a position; providing appropriations; requiring rulemaking; requiring a report and providing for effective dates.

Be It Enacted by the Legislature of the State of Wyoming:

Section 1. W.S. 14-6-606 is created to read:

14-6-606. Standardization of juvenile justice information.

(a) The department shall facilitate the standardization, identification, sharing and coordination of juvenile justice information collected and provided to the department and disseminated by the department as required by this act. The department shall work with all federal, state and local entities that provide information under this act.

(b) The department shall promulgate rules to adopt uniform information collection standards, methodologies and best practices for the collection and dissemination of juvenile justice information under this act. Any state agency or local governmental entity required to submit information under this act shall comply with the rules promulgated under this subsection.

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(c) The department shall be responsible for assuring the consistency of participation by any state agency or local governmental entity required to provide juvenile justice information under this act or that seeks to access juvenile justice information under this act.

Section 2. W.S. 14-6-203(g)(vi), 14-6-239(d) and 14-6-240(b) are amended to read:

14-6-203. Jurisdiction; confidentiality of records.

(g) Except as provided by subsection (j) of this section, all information, reports or records made, received or kept by any municipal, county or state officer or employee evidencing any legal or administrative process or disposition resulting from a minor's misconduct are confidential and subject to the provisions of this act. The existence of the information, reports or records or contents thereof shall not be disclosed by any person unless:

(vi) The disclosure is authorized by W.S. ~~7-19-504~~ 14-6-604; or

14-6-239. Records and reports confidential; inspection.

(d) Nothing in subsection (a) of this section shall limit the disclosure of records authorized by W.S. ~~7-19-504~~ 14-6-604.

14-6-240. Fingerprinting or photographing of child; disclosure of child's records.

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(b) Fingerprints and photographs of a child adjudicated to have committed a delinquent act which would be a felony if committed by an adult may be retained in a local law enforcement agency file and in the Wyoming division of criminal investigation files in accordance with W.S. ~~7-19-501~~14-6-601 through ~~7-19-505~~14-6-606. If the matter does not result in an adjudication that the child was a delinquent for having committed an act constituting a felony, the enforcement agency which obtained the fingerprints or photographs pursuant to paragraph (a)(iii) of this section shall destroy those records and shall report the destruction of the records to the court. Further, the court shall order all records pertaining to the matter in the files of law enforcement agencies destroyed or expunged.

Section 3. W.S. 7-19-501 through 7-19-504 as 14-6-601 through 14-6-604 are amended and renumbered to read:

ARTICLE 6
JUVENILE JUSTICE INFORMATION SYSTEM

~~7-19-501~~14-6-601. **Definitions.**

(a) As used in this act:

(i) "Adjudicated" or "adjudication" means as defined by W.S. 14-6-201(a)(i);

(ii) "Adult" means an individual who has attained the age of majority;

(iii) "Delinquent child" means as defined by W.S. 14-6-201(a)(x);

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(iv) "Disposition" means the action ordered by the juvenile court judge under W.S. 14-6-229 upon adjudication of a juvenile for a delinquent act or the sentence imposed on a juvenile who is convicted;

(v) ~~"Division"~~ "Department" means the ~~Wyoming division of criminal investigation within the office of the attorney general~~ department of family services;

(vi) "Juvenile" means an individual who is under the age of majority;

(vii) "Qualifying offense" means conduct that, if committed by an adult, would constitute a felony under the provisions of W.S. 6-1-104(a)(xii) or 35-7-1031 or under similar federal law;

(viii) "Conviction" or "convicted" means a conviction of a juvenile of a qualifying offense or a conviction for any offense for which the juvenile was charged in a circuit court or district court;

(ix) "Detention" means the legal and physical restriction and housing of a juvenile at the Wyoming state hospital, the Wyoming boys' school, the Wyoming girls' school or a juvenile detention facility defined in W.S. 14-6-201(a)(xxiv). "Detention" shall not include any placement in a qualified residential treatment program as defined by W.S. 14-6-201(a)(xxviii) or a residential treatment facility that is operated for the primary purpose of providing treatment to a juvenile;

~~(viii)~~ (x) "This act" means W.S. ~~7-19-501~~ 14-6-601 through ~~7-19-505~~ 14-6-606.

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~~7-19-502~~ 14-6-602. **Record system created.**

(a) The ~~division~~ department shall create and maintain a database for a juvenile justice information system as provided in this act.

(b) The database shall contain the information required by this act. Access to information in the database shall be limited as provided by W.S. ~~7-19-504~~ 14-6-604.

(c) The ~~division~~ department shall promulgate reasonable rules and regulations necessary to carry out the provisions of this act. The ~~division~~ department shall annually report by March 1 to the joint judiciary interim committee on the numbers of entries and usage of the database and overall compliance with this act.

~~7-19-503~~ 14-6-603. **Collection of juvenile justice information.**

(a) In any case in which a juvenile is convicted or is adjudicated a delinquent child for the commission of a qualifying offense or a criminal act, the court shall direct that, to the extent possible, the following information be collected and provided to the ~~division~~ department:

(i) Offender identification information including:

(A) The juvenile offender's name, including other names by which the juvenile is known, and social security number;

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(B) The juvenile offender's date ~~and place~~
of birth;

(C) The juvenile offender's physical
description, including sex, weight, height, race,
ethnicity, eye color, hair color, scars, marks and tattoos;

(D) The juvenile offender's last known
residential address. ~~;~~ ~~and~~

(E) ~~The juvenile offender's fingerprints.~~

(ii) Offense identification information
including:

(A) The criminal offense for which the
juvenile was convicted or adjudicated delinquent;

(B) Identification of the juvenile court in
which the juvenile was adjudicated delinquent or the court
in which the juvenile was convicted; and

(C) The date and description of the final
disposition ordered by the ~~juvenile~~-court.

(iii) The nature of the disposition ordered by
the court, including whether a juvenile is:

(A) Committed to detention;

(B) Ordered to serve probation, placed
under a plan of supervision or ordered to participate in an
intensive supervision program;

(C) Committed to treatment;

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(D) Held in pretrial detention.

(b) ~~The information maintained by the division shall not include predisposition studies and reports, social summaries, medical or psychological reports, educational records, multidisciplinary team minutes and records or transcripts of dispositional hearings.~~

(c) The ~~division~~department may designate codes relating to the information described in subsection (a) of this section.

~~7-19-504~~14-6-604. **Access to and dissemination of information.**

(a) Information contained in the juvenile justice information system shall be accessible, whether directly or through an intermediary, to:

(i) Other criminal justice agencies, including the division of criminal investigation;

(ii) Any person designated for the purpose provided by W.S. 14-6-227;

(iii) ~~The department of family services if the subject is in the custody of the department;~~

(iv) An individual who has met the requirements established by the ~~division~~department to ensure the record will be used solely as a statistical research or reporting record and that the record is to be transferred in a form that is not individually identifiable;

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(v) Any record subject as provided by W.S. 7-19-109.

(b) The department may by rule promulgate a process in which, when a subject reaches the age of majority, all information in the juvenile justice information system pertaining to that subject shall be deleted can be preserved in a manner to avoid identification of an individual subject while still allowing for longitudinal data analyses of recidivism.

(c) Any person who willfully violates subsection (a) or (b) of this section is guilty of a misdemeanor and upon conviction shall be fined not more than five hundred dollars (\$500.00). Any person or entity who violates subsection (a) of this section shall be denied further access to the system.

Section 4. W.S. 7-19-505 is renumbered as 14-6-605.

Section 5. W.S. 14-6-603(a)(i)(E) and (b), renumbered from W.S. 7-19-503(a)(i)(E) and (b) and W.S. 14-6-604(a)(iii), renumbered from W.S. 7-19-504(a)(iii) by section 3 of this act, are repealed.

Section 6.

(a) The department of family services shall promulgate all rules necessary to implement the provisions of this act.

(b) Not later than October 15, 2022 the department of family services shall report to the joint judiciary interim committee on the status of the transfer of responsibilities under this act, including any progress made on a process

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for preserving data for analysis and avoiding identification of any particular individual under W.S. 14-6-604(b).

Section 7.

(a) The department of family services is authorized one (1) full-time position for the purposes of this act. There is appropriated two hundred fifty-one thousand eight hundred forty-eight dollars (\$251,848.00) from the general fund to the department of family services for purposes of funding the position created by this section and related costs for the period beginning July 1, 2022 and ending June 30, 2024. These funds shall not be transferred or expended for any other purpose and any unexpended, unobligated funds remaining from this appropriation on June 30, 2024 shall revert as provided by law. It is the intent of the legislature that this appropriation be included in the standard budget for the department of family services for the immediately succeeding fiscal biennium.

(b) There is appropriated four hundred fifty thousand dollars (\$450,000.00) from the general fund to the department of family services for purposes of initial interface development and data entry and ongoing data entry and system information technology support and maintenance for the purposes of this act for the period beginning July 1, 2022 and ending June 30, 2024. These funds shall not be transferred or expended for any other purpose and any unexpended, unobligated funds remaining from this appropriation on June 30, 2024 shall revert as provided by law. It is the intent of the legislature that one hundred thousand dollars (\$100,000.00) of this appropriation be included in the standard budget for the department of

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family services for the immediately succeeding fiscal biennium.

Section 8.

(a) Except as provided in subsection (b) of this section, this act is effective July 1, 2024.

(b) Sections 6, 7 and 8 of this act are effective immediately upon completion of all acts necessary for a bill to become law as provided by Article 4, Section 8 of the Wyoming Constitution.

(END)

Speaker of the House

President of the Senate

Governor

TIME APPROVED: _____

DATE APPROVED: _____

I hereby certify that this act originated in the House.

Chief Clerk